

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

RAFAEL ARROYO,  
Plaintiff,

v.

PHI ASSOCIATES, L.P.,  
Defendant.

Case No. 21-cv-00784-KAW

ORDER TERMINATING MOTION TO  
DISMISS

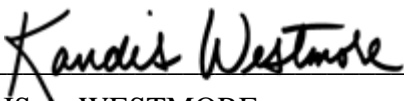
Re: Dkt. No. 9

On March 18, 2021, Defendant filed a motion to dismiss Plaintiff Arroyo's initial complaint. (Dkt. No. 9.) On March 31, 2021, Plaintiff filed an amended complaint. (Dkt. No. 14.)

Under Rule 15(a)(1)(B), a party may amend its pleading once as a matter of course within 21 days of being served with a motion under Rule 12(b). The amended complaint was filed fewer than 21 days after service of the 12(b)(6) motion. Accordingly, the Court terminates the pending motion to dismiss, as the operative complaint is now the amended complaint.

**IT IS SO ORDERED.**

Dated: April 2, 2021

  
KANDIS A. WESTMORE  
United States Magistrate Judge